



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Sally Gardner Lane
Telephone: (703) 308-9797
Facsimile: (703) 305-0942

MAILED

JAN 21 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicant: CAMPBELL

Application No.: 09/989,126

Filed: 11/21/01

For: Unactivated oocytes as cytoplasm recipients
for nuclear transferAccorded benefit: Patent 6,525,243, granted 02/25/03
based on Application 09/650,285, filed 08/29/00;Patent 6,252,133, granted 06/26/01, based on
Application 08/803,165, filed 02/19/97

British Patent GB 9517779.6, filed 08/31/95

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,192.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

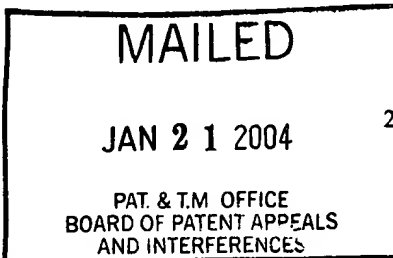
A handwritten signature in cursive script, appearing to read "Sally Gardner Lane", written over a horizontal line.

SALLY GARDNER LANE
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Sally Gardner Lane
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
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Tel: 703-308-9797
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Filed
21 January 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Sally Gardner Lane)

STEVEN L. STICE, JOSE CIBELLI, JAMES ROBL,
PAUL GOLUEKE, F. ABEL PONCE de LEON
and D. JOSEPH JERRY,

Junior Party,
(Patent 6,235,970),

v.

KEITH HENRY STOCKMAN CAMPBELL
and IAN WILMUT,

Senior Party,
(Application 09/989,126).

Patent Interference No. 105,192

NOTICE DECLARING INTERFERENCE

(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Sally Gardner Lane has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **2:00 p.m. on 4 March 2004** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: Steven L. Stice
Belchertown, MA

Jose Cibelli
Amherst, MA

James Robl
Belchertown, MA

Paul Golueke
Belchertown, MA

F. Abel Ponce de Leon
Amherst, MA

D. Joseph Jerry
Shutesbury, MA

Patent: 6,235,970, issued on 22 May 2001
based on application 08/935,052, filed 22 September 1997

Title: CICM CELLS AND NON-HUMAN MAMMALIAN EMBRYOS
PREPARED BY NUCLEAR TRANSFER OF A
PROLIFERATING DIFFERENTIATED CELL OR ITS
NUCLEUS

Assignee: University of Massachusetts

Accorded Benefit: US 08/781,752, filed on 10 January 1997,
issued as patent 5,945,577 on 31 August 1999

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: Keith Henry Stockman Campbell
Midlothian, United Kingdom

Ian Wilmut
Midlothian, United Kingdom

Application: 09/989,126, filed 21 November 2001

Title: UNACTIVATED OOCYTES AS CYTOPLAST RECIPIENTS
FOR NUCLEAR TRANSFER

Assignee: Department for Environment, Food & Rural Affairs of London,
England and Roslin Institute (Edinburgh) of Midlothian, England

Accorded Benefit: US 09/650,285, filed 29 August 2000

US 08/803,165, filed 19 February 1997,
issued as patent 6,252,133 on 26 June 2001

PCT/GB96/02098, filed 30 August 1996

GB 9517779.6, filed 31 August 1995

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 1 Stice (6,235,970)

or

claim 20 Campbell (09/989,126).

The claims of the parties are:

Stice: 1-21

Campbell: 20-36

The claims of the parties which correspond to Count 1 are:

Stice: 1-21

Campbell: 20-36

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Stice: none

Campbell: none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Paper ____¹

Filed on behalf of [name of party]

By: Name of lead counsel
Name of backup counsel
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)**

**STEVEN L. STICE, JOSE CIBELLI, JAMES ROBL,
PAUL GOLUEKE, F. ABEL PONCE de LEON
and D. JOSEPH JERRY,
Junior Party,
(Patent 6,235,970),**

v.

**KEITH HENRY STOCKMAN CAMPBELL
and IAN WILMUT,
Senior Party,
(Application 09/989,126).**

Patent Interference No. 105,192

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

Part I. Order form for requesting file copies


**FILE COPY REQUEST
Interference 105,192**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).
3. Telephone, including area code: _____

Part J. Signature of administrative patent judge


Sally Gardner Lane
Administrative Patent Judge

Date: 21 January 2004

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Form PTO-850

Copy of claims of U.S. Patent 6,235,970

Copy of claims of 09/989,126

Revised May 2003

cc (via overnight delivery):

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